



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/544,507	04/06/2000	Giampiero M. Sierra	MS1-486US	9078
22801	7590	11/03/2004	EXAMINER	
LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201			NGUYEN, NHON D	
			ART UNIT	PAPER NUMBER
			2179	
			DATE MAILED: 11/03/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/544,507

Applicant(s)

SIERRA ET AL.

45

Examiner

Nhon (Gary) D Nguyen

Art Unit

2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 5, 9, 13, 17 and 21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 5, 9, 13, 17 and 21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is responsive to amendment filed 08/17/2004.
2. Claims 1, 5, 9, 13, 17 and 21 are pending in this application. Claims 1, 9 and 17 are independent claims. In the amendment, no claim is canceled, no claim is amended, and no claim is added. This action is made final.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 5, 9, 13, 17, and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Moy (US 5,425,102).

As per independent claim 1, Moy teaches a method for use in a graphical user interface configured to support a login operation, the method comprising:

displaying at least one user identifier prompt within a graphical user interface, the at least one user identifier prompt including at least one selectable user area operatively associated with a previously configured user capable of completing a login operation by inputting user password input (col. 3, lines 14-17);

upon receiving user input selecting the at least one selectable user area, displaying at least one user input field within the graphical user interface, wherein the at least one user input field is

Art Unit: 2179

automatically configured to operatively receive user password input associated with the login operation (col. 3, lines 17-32);

while conditions allow for the reception of the user password input and it is determined that there has been a failure to operatively receive the user password input for the login operation, then automatically displaying reminder information associated with the user input field through a non-modal mechanism within the graphical user interface (col. 6, lines 21-25).

As per claim 5, which is dependent on claim 1, Moy teaches the reminder information includes user provided password reminder information (col. 4, line 65 – col. 5, line 9).

As per independent claims 9 and 17, they are similar in scope to claim 1; therefore, they should be rejected under similar rationale.

As per 13 and 21, which are dependent on claims 9 and 17 respectively, they are similar in scope to claim 5; therefore, they should be rejected under similar rationale.

Response to Arguments

5. Applicant's arguments filed 08/17/2004 have been fully considered but they are not persuasive.

Applicant argued that Moy does not disclose, teach or suggest a non-modal mechanism.

The Examiner disagrees for the following reason. “***Non-modal mechanism***”, as defined in page 2, lines 13-16 in the specification, is a method that automatically displays reminder

Art Unit: 2179

information at appropriate times, without requiring any additional user input or interfering with the user's ability to interact with the graphical user interface. According to Moy, after the user activates the hint system by selecting on a menu choice "Hint" as illustrated in Fig. 3 (col. 4, lines 10-12), then responsive to the user failing to provide the password, the system retrieves a first of the succession of hints from the hint storing storage and display to the user (col. 6, lines 21-25). If the password does not match the stored password, the hint display is *automatically* retransmitted to the user and this process of hint and password retry is *iteratively repeated* until the sequence of password hints is exhausted (col. 4, lines 43-48). Therefore, Moy clearly teaches the "*Non-modal mechanism*" feature as claimed by the applicant.

In the Office Action Dated September 10, 2002, Examiner has previously acknowledged that Moy does not disclose the "Non-modal mechanism" feature; however, because Examiner did not use Moy reference in the subsequent Office Actions, this assertion was considered to be withdrawn. Applicant should consider the rationale of the rejection in the previous Office Action.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

Art Unit: 2179

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Inquiries

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhon (Gary) D Nguyen whose telephone number is (571)272-4139. The examiner can normally be reached on Monday - Friday with every other Monday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather R Herndon can be reached on (571)272-4136. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nhon (Gary) Nguyen
October 28, 2004

Art Unit: 2179

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Inquiries

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhon (Gary) D Nguyen whose telephone number is (571)272-4139. The examiner can normally be reached on Monday - Friday with every other Monday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather R Herndon can be reached on (571)272-4136. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nhon (Gary) Nguyen
October 28, 2004


BA HUYNH
PRIMARY EXAMINER